

REMARKS/ARGUMENTS

Claims 1-19 are pending in the present application and stand rejected.

Claims 1, 2, 6-11, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,363,421 to Barker et al. (hereinafter "Barker") in view of United States Patent No. 5,490,252 to Macera et al. (hereinafter "Macera").

Claims 3, 4, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Macera and further in view of United States Patent 6,633,977 to Hamilton II et al. (hereinafter "Hamilton").

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker in view of Macera and further in view of United States Patent 6,148,402 to Campbell.

Claims 1, 3, 10, and 12 are amended. Support for the claim amendments can be found throughout the application and, among other places, at pages 2, 6, and 7. No new matter has been added.

The present invention sets forth an interaction between a network control processor (NCP) and a network management system (NMS). As part of the interaction, data for circuit related objects maintained at the NCP is processed and ASCII data is stored in a network management system (NMS) database. The claims recite how the data elements progress through several processing operations.

Applicants respectfully submit that the cited references fail to teach or suggest the claimed interaction between a network control processor (NCP) and a network management system (NMS). As discussed below, the combined references do not teach or suggest at least the claimed relationship between processing operations and data elements. Moreover, Applicants note that there is no motivation to combine reference teachings and no reasonable expectation of success through such a combination. Accordingly, for at least the reasons presented below, it is respectfully submitted that the cited references do not support a prima facie case of obviousness.

Claim 1

Claim 1 recites "maintaining data for circuit related objects at the network control processor; receiving at the network control processor one or more commands from the network management system to translate the data for circuit related objects; translating the data for the circuit related objects from binary data to ASCII data in the network control processor in response to the commands; receiving into the network management system server the ASCII data from the network control processor; parsing the ASCII data; and storing the ASCII data in a network management system database, wherein data for the circuit related objects stored in the management system database is thereby synchronized with the data for the circuit related objects in the network control processor" (relationship among data elements emphasized). Applicants respectfully submit that Barker does not teach or suggest at least these processing operations upon data elements as claimed.

1. The Barker Reference

The Office Action indicates that Barker's Application Processor (AP) corresponds to the claimed network control processor (NCP) and that Barker's Event Management System Server (EMS) corresponds to the claimed Network Management System (NMS). See, Office Action at pp. 2-3. However, when properly construed, Applicants respectfully submit that Barker fails in several ways to teach the claim elements recited above. This is most readily appreciated in relation to the translating step.

The Office Action cites Barker at col. 5, lines 49-52 for the claimed translating step. See, Office Action at ¶3, page 2. For convenience, this passage is reproduced below and referred to throughout the discussion.

ROP Formatter 72: translates binary message codes into ASCII text in accordance to ECP ROP formatting practices. It then directs the formatted ASCII output to the ROP stream.

Barker's description of translating message codes fails in at least five respects to disclose the relevant claim limitations. First, as acknowledged by the Examiner, Barker's ROP Formatter (72) translates message codes *within* the EMS/NMS device. See, Office Action at

page 3, lines 6-7. Barker does not translate message codes in the AP/NCP and therefore fails to disclose "translating the data for circuit related objects...*in the network control processor.*"

Also, since Barker's translating step is performed within the EMS/NMS, the resulting ASCII text is not received into the EMS/NMS from the AP/NCP. Accordingly, Barker also fails to disclose "receiving *into the network management system* server the ASCII data *from the network control processor.*"

Second, in the relevant passage, Barker discloses that *binary message codes* are converted. As best understood, the binary message codes are generated internally by the EMS/NMS device. These binary message codes are not maintained in the AP/NCP and therefore cannot be substituted for the claimed data for circuit related objects. For this reason, Barker does not disclose "*maintaining data for circuit related objects at the network control processor...* translating the data for circuit related objects from binary data to ASCII data in the network control processor."

Third, Barker's ROP Formatter (72) does not receive commands from the AP/NCP device to translate the binary message codes. In fact, there is no disclosure that Barker's AP device receives commands from the EMS device to translate any data at the AP device. Therefore, Barker fails to teach or suggest "*receiving at the network control processor one or more commands from the network management system* to translate the data for circuit related objects; translating the data for circuit related objects...*in the network control processor in response to the commands*" as claimed.

Fourth, the ASCII formatted text generated by ROP Formatter (72) is not stored in an EMS/NMS database. Instead, the ASCII text is printed and logged at a third device referred to as the Executive Control Processor (ECP) which is separate from both the AP and the EMS. See, Barker at col. 12, lines 40-42. Thus, Barker fails to disclose "storing the ASCII data in a *network management system database*" as claimed.

Finally, as previously mentioned, the ASCII text produced by ROP Formatter (72) is the result of translating message codes generated within the EMS device. Accordingly, storing the ASCII text does not result in synchronizing data sets between the EMS and AP devices. Thus, Barker does not disclose "wherein data for the circuit related objects stored in the

management system database is thereby *synchronized* with the data for the circuit related objects in the network control processor."

2. The Macera Reference

The Office Action acknowledges that Barker fails to disclose translating data for the circuit related objects from binary data to ASCII data in the network control processor. See, Office Action at p. 4. However, the Examiner argues that Macera performs the translating step. Applicants note that arguments were previously submitted demonstrating that Macera does not teach or suggest the translating step and that the Examiner has not addressed these arguments in the present office action. See, Amendment dated December 21, 2006. Accordingly, it is believed that the Macera reference has been overcome. However, for completeness, Applicants' previous arguments are repeated below.

First, Macera simply does not translate binary data to ASCII data. The portion of Macera cited by the Examiner describes the conversion of packet formats, e.g., from a native packet format such as Ethernet to an "internal packet format." See, Office Action at p. 3 (citing Macera, col. 6, lines 38-42). However, this has nothing to do with translation of binary data to ASCII data. As is well known in the field of network technology, a packet format does not inquire into the contents of its payload. In other words, a packet format is only responsible for delivering its payload of data; the packet format does not care whether the contents of the payload is interpreted as binary data or ASCII data. Thus, the conversion of a packet from one packet format to another packet format does NOT involve any change to the payload itself. Thus, the conversion of packet format as taught by Macera et al. does not involve any translation from binary data to ASCII data. To do so would alter the contents of the payload of the packet, which is clearly not intended by Macera et al. or any other known network switching device for that matter.

Second, the conversion of one packet format to another packet format cannot be substituted for the translation of binary data to ASCII data. These are completely different processes that are used for different purposes. One cannot simply remove the translation of binary data to ASCII data and in its place insert the conversion of one packet format to another

packet format. Thus, it is clear that even if combined, the combination of Barker and Macera would still fail to disclose all of the limitations of claim 1. For at least the reasons stated above, Applicants submit that claim 1 is patentable over the combination of references.

Claims 10 and 19

Claims 10 and 19 are each rejected on similar rationale as that for claim 1. For at least the reasons discussed above with respect to claim 1, claims 10 and 19 are also patentable over the cited references.

Claims 2-9 and 11-18

Claims 2-9 and 11-18 depend from claims 1 and 10, respectively, and incorporate all of the limitations of their corresponding base claims. The Office Action cites Hamilton and Campbell as teaching select elements of the dependent claims. However, it is respectfully submitted that neither Hamilton's backup system nor Campbells' secure procedure calls cure the deficiencies in Baker and Macera as previously identified. Accordingly, for at least the reasons discussed above, claims 2-9 and 11-18 are also patentable over the combination of Barker and Macera as well as Campbell and Hamilton.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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